

ORIGINAL

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

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U.S.D.C. - Atlanta

JUN 13 2011

JAMES N. HATTEN, Clerk
By:  Deputy Clerk

MR. ROBERT R. RICHARDS
(PRO SE)

5256 Sandtown Center Blvd, SW. Atlanta
Georgia, 30333.

404-645-0674

Plaintiff,

v.

HILDA SOLIS, LABOR SECRETARY
U.S. DEPARTMENT OF LABOR,

200 Constitution Avenue, NW
Washington, DC 20210

Defendant.

RWS

1:11-CV-1925

COMPLAINT FOR INJUNCTIVE RELIEF

1. This is an action under the Freedom of Information Act, 5 U.S.C. § 552, to order the production of agency records, concerning documents, emails, memorandums, or other non-exempt communications between Veronica Singfield, Regional Administrator, Office of the Assistant Secretary for Administration and Management (OASAM), Atlanta, Georgia, and Mrs. Rebecca Browning, Space and Telecommunications Specialist, OASAM Atlanta Georgia. A copy of plaintiff's original request is attached as Exhibit 1. On 17 December 2010, plaintiff received a series of documents, emails, etc, along with a cover letter dated 13 Dec 2010 from defendant. During a three (3) month exhaustive review of the information received, it was revealed that defendant had not provided the requested information relative to Veronica Singfield and Rebecca Browning. A copy of defendant's cover letter is attached as Exhibit 2. To date, and despite three written appeals, attached as Exhibit 3. Defendant has continued to improperly withhold the information from plaintiff.

2. Plaintiff has also requested information from defendant, covered under the Freedom of Information Act, 5 U.S.C. § 552, copies of emails, to include retrieval of deleted emails, memos, notes, texts and

voice mail messages, changed between Veronica Singfield, Regional Administrator, Office of the Assistant Secretary for Administration and Management (OASAM), Atlanta, Georgia, and Carol Tuggle, Director Finance and Administration Division, OASAM Atlanta, Georgia. The information requested is specific to communications, and exchanges, orally or in writing, between Veronica Singfield and Carol Tuggle (employees of defendant), regarding Singfield communicating to Tuggle that she [Singfield] need to give Tuggle guidance on how to handle African American Males. To date, defendant has improperly withheld the information from plaintiff. A copy of plaintiff's 10 May 2011 letter is attached as Exhibit 4

3. Plaintiff's 10 May letter also requested defendant to provide communications, documents, notes, journals and emails between Veronica Singfield and Carol Tuggle regarding actions Tuggle has disclosed that Singfield as directly or implied, that she [Tuggle] should take against plaintiff Richards or Alfred Collins (OASAM Regional Finance Officer). Furthermore, plaintiff also requested that defendant provide any communications, documents, notes, journals, emails etc, regarding the aforementioned between Singfield and Tuggle, to Deputy Assistant Secretary Edward Hugler or Assistant Secretary Michael Kerr. To date, defendant has improperly withheld the information from plaintiff.

4. This court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B).

5. Plaintiff, Robert R. Richards is a citizen of the United States, with a resident and principal place of business in Fulton County Georgia. Plaintiff is employed by the U.S. Department of Labor's Office of the Assistant Secretary for Administration and Management (OASAM), Region IV Atlanta, and is the requester of the records which defendant is now withholding. Plaintiff has requested this information to safeguard public trust, employment equity, and compliance with anti-discrimination laws, which would be otherwise discoverable in a civil proceeding. Furthermore, as African American Male employees remain at risk, given recent disclosures by Carol Tuggle, to at least two leadership members of the Atlanta staff, regarding Singfield's comments and implied directions to her [Tuggle] relative to African Males, prompt release of the information is required.

6. Defendant, U.S. Department of Labor, is an agency of the United States and has possession of the documents that plaintiff seeks.

7. By letter dated 10 October for the request at line #1 and 10 May at line #2, plaintiff requested access to communications, documents, notes, journals and emails between Veronica Singfield and Rebecca Browning, as well as communications, documents, notes, journals and emails between Veronica

Singfield and Carol Tuggle. The specific information requested, as amended in plaintiff's 7 March 2011 correspondence to defendant, were all communications between Veronica Singfield and Rebecca Browning, regarding the Space and Telecommunications Position Description changes/upgrades. To aid defendant's search and reduce burden, as well as cost, plaintiff limited the period requested to 1 March to 18 July 2010. A copy of plaintiff's letter is attached as Exhibit 3.

8. By letter dated 10 May 2011, plaintiff also requested information regarding all communications, exchanges, orally or in writing, between Veronica Singfield and Carol Tuggle (defendant's employees), relative to Singfield communicating to Tuggle that she [Singfield] needed to give Tuggle guidance on how to handle African American Males. Additionally, plaintiff's letter also requested defendant to provide communications, documents, notes, journals and emails between Veronica Singfield and Carol Tuggle regarding actions Tuggle has disclosed that Singfield directly or implied, that she [Tuggle] should take against plaintiff Richards or Alfred Collins (OASAM Regional Finance Officer). Furthermore, plaintiff also request that defendant provide any communications, documents, notes, journals, emails etc, regarding the aforementioned between Singfield and Tuggle, to Deputy Assistant Secretary Edward Hugler or Assistant Secretary Michael Kerr. The period covered in plaintiff's 10 May 2011 request, was limited to 2 August 2010 to the date of plaintiff's request. A copy of both letters is attached as Exhibit 4.

9. In response to plaintiff's 10 October 2010 request, defendant provided a cache' of documents, which were received by plaintiff on 18 December 2010. The documents were accompanied by defendant's cover letter dated 13 December 2010. Following an exhaustive three (3) month review, it was discovered that defendant failed to provided the covered communication between Veronica Singfield and Rebecca Browning, nor did defendant provide notice that the missing information was exempt from disclosure, as found under 5 U.S.C. § 552(b). A copy of defendant's cover letter is attached as Exhibit 2.

10. By letters dated 7 March, 3 April and 17 April 2011, plaintiff appealed to defendant for the missing information. A copy of this letter is attached as Exhibit 3. To date, defendant has not provided plaintiff with a response detailing the exemption under which the information was excluded, as found under 5 U.S.C. § 552(b).

11. To date, defendant has not responded to plaintiff's 10 May 2011 information request, nor has defendant provided notice that the requested information is exempt from disclosure, as found under 5 U.S.C. § 552(b). A copy of this letter is attached as Exhibit 4.

12. Plaintiff has a right of access to the requested information under 5 U.S.C. § 552(a)(3), and there is no legal basis for defendant's denial of such access.

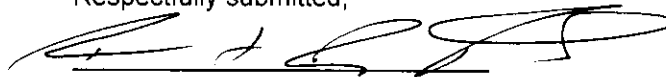
13. Plaintiff has exhausted all administrative remedies as found under 5 U.S.C. § 552(a)(6)(C)(i)

14. Plaintiff believes defendant's has improperly withheld agency records and has done so arbitrarily and capriciously with respect to the withholding of plaintiff's 10 October 2010 and 10 May 2011 information request.

WHEREFORE, plaintiff requests this Honorable Court:

- (1) Order defendant to provide access to the requested documents;
- (2) Expedite this proceeding as provided for in 28 U.S.C. § 1657;
- (3) Award plaintiff costs and reasonable attorneys fees in this action in the amount of \$2,500, as provided in 5 U.S.C. § 552(a)(4)(E); and
- (4) Issue a written finding regarding the circumstances surrounding the withholding raise questions whether the agency personnel acted arbitrarily or capriciously with respect to the withholding, as provided in 5 U.S.C. § 552(a)(4)(F); and
5. Grant such other and further relief as may deem just and proper.

Respectfully submitted,



ROBERT R. RICHARDS

**5256 Sandtown Center Blvd, SW.
Atlanta, Georgia 30331**

Dated: 13 June 2011